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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/530,201	04/04/2005	Thierry Roz	ICB0208	9623
24203	7590	09/17/2007	EXAMINER	
GRIFFIN & SZIPL, PC SUITE PH-1 2300 NINTH STREET, SOUTH ARLINGTON, VA 22204			LAMBERT, JOHN W	
			ART UNIT	PAPER NUMBER
			2609	
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			09/17/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/530,201	ROZ ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	John Lambert	2609	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 April 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 8-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 8-12 is/are rejected.
- 7) ☒ Claim(s) 13 and 14 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 April 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>4 April 2005</u> .  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Oath/Declaration***

1. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because: The oath/declaration appears to be missing.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 8-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chieu et al (U.S. Patent No. 5,995,019) in view of Marsh et al (U.S. Patent No. 5,557,280).

Regarding claim 8, Chieu et al teaches a method for identifying a plurality of passive transponders (see e.g. Abstract) located in a detection space of a reader having at least a first antenna (Z) and a second antenna (Y) whose respective transmission-reception fields are not merged spatially and/or temporally (See e.g. FIG. 2 and FIG. 3, items 185, 185', 185'', in which it can be seen that the antennae transmission-reception

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fields are not merged spatially, and col. 4, lines 13-15, and lines 36-37, which teach that the antenna 185 sends out a signal, and when the resulting process is complete, the antenna 185' sends out a signal, showing that the fields are also not merged temporally.) , said method implementing an anti-collision protocol for each of the antennae during which each transponder identified by a given antenna is then set in a "silent" mode during the protocol associated with said antenna (see e.g. col. 4, lines 13-46, which discuss this protocol, although not calling it an anti-collision protocol, and in particular lines 33-35, which teach tag 20" being turned off for the duration of the communication procedure),

Chieu et al teaches in col. 4, lines 13-46, that at least at the end of the anti-collision protocol associated with said first antenna, said information being kept by at least the transponders identified by said first antenna at least for an interval of time including the period of switching from the first antenna to said second antenna.

Chieu et al does not teach that in each transponder there is provided a memory arranged to keep its information without the reader field being powered only for a certain period of time, and wherein information is stored in said memory concerning the state of identification of the transponder concerned, in particular the fact of activating the "silent" mode, nor does Chieu et al teach that during this process there is no supply field for the transponders.

Marsh et al teaches that in each transponder there is provided a memory arranged to keep its information without the reader field being powered only for a certain period of time, and wherein information is stored in said memory concerning the state of

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identification of the transponder concerned, in particular the fact of activating the "silent" mode. See e.g. col. 8, lines 31-47 for a description of the invention's intended application and col. 8, lines 54-60, which describe the transponder charging a capacitor in response to a signal from the interrogator in order to turn it off for a predetermined period of time after the transponder has been removed from the interrogator's field.

Marsh et al also teaches in col. 8, lines 59-60, that the transponder is disabled for a predetermined period of time after it has been removed from the interrogator's field.

Both Chieu et al and Marsh et al teach a system or method of locating and identifying multiple transponders in the field of an interrogator, and the predictable result of combining them would be that the transponders having been identified and consequently placed into a "silent" mode would then automatically turn back on after a predetermined period of time without having to wait for a command from the interrogator, the period of time in this case being sufficiently long enough to complete the protocol associated with a particular antenna. Therefore, the combination of Chieu et al and Marsh et al to obtain the invention as claimed in claim 8 would have been obvious at the time of the invention to one of ordinary skill in the art.

Regarding claim 9, Chieu et al in view of Marsh et al teaches the identification method according to claim 8, wherein said memory is an analog memory arranged to be able to keep binary information, said interval of time being of the order of ten seconds. Marsh et al teaches in col. 9, lines 19-35, that the analog memory is composed of a timing capacitor  $C_{subT}$  in parallel with a leakage resistor  $R_{subL}$ . The information stored is binary because the capacitor charges to a predetermined level turning on a

transistor T1, which functions as a switch to disable the transponder. When the timing capacitor has discharged fully through the leakage resistor, the transponder will again operate normally. Therefore, the stored information consists of two states, on or off. As for the interval of time being on the order of ten seconds, this is adjustable either by the size of the timing capacitor or the value of the leakage resistor as is well known in the art, and would be designed to any desired or necessary interval, including ten seconds.

Using an analog memory arranged to be able to keep binary information in the system of Chieu et al would be a convenient and simple way to store the on-off controlling data for the transponders. The result of this combination would have given the predictable operation described in claim 8 above, and for the same reasons would have been obvious at the time of the invention to one of ordinary skill in the art.

Regarding claim 10, Chieu et al in view of Marsh et al teaches the identification method according to claim 9, wherein said analog memory is formed by a capacitor integrated in the analog part of the electronic circuit of the transponder. As discussed in regards to claim 9 above, Marsh et al teaches the analog memory being formed by a capacitor integrated (joined to, connected to) in the analog part of the electronic circuit of the transponder (see e.g. Figure 8, items CsubT and RsubL), and therefore this combination would have been obvious to one of ordinary skill of the art for the same reasons as set forth in claims 8 and 9 above.

Regarding claim 11, Chieu et al in view of Marsh et al teaches the identification method according to claim 8, wherein said memory is an analog memory, said interval of time being of the order of a minute to ten minutes. See Marsh et al, col. 8, lines 54-

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60, which discusses the analog memory and specifically mentions a ten-minute time interval. For the reasons cited in claim 9 above, it would have been obvious to one of ordinary skill in the art to design the analog memory circuit to store information for any desired or necessary period of time.

Regarding claim 12, Chieu et al in view of Marsh et al teaches the identification method according to claim 11, wherein said analog memory includes a capacitor formed by a discrete element electrically connected to the analog part of the electronic circuit of the transponder. In Marsh et al, Figure 8, capacitor CsubT is shown electrically connected in parallel with leakage resistor RsubL in the analog circuit previously discussed. Also see col. 8, lines 61-67, and col. 9, lines 1-35 for a thorough description of the transponder circuitry depicted in Figure 8. For the reasons cited in claim 10 above, it would have been obvious to one of ordinary skill in the art to use a capacitor in the analog memory of the circuit of the transponder of the system of Chieu et al.

#### ***Allowable Subject Matter***

4. Claims 13 and 14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. The following is a statement of reasons for the indication of allowable subject matter:

Regarding claims 13 and 14, Chieu et al in view of Marsh et al teaches the identification method according to claim 8, however, prior art of record fails to teach, or

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render obvious, alone or in combination, the method according to claim 8, wherein (as claimed in claim 13) each of the transponders includes a logic circuit and a power-on-reset circuit (POR) for said logic circuit and wherein said memory is a digital memory, the latter being arranged in parallel with a capacitor such that, when the supply voltage of the transponder becomes lower than a given threshold, said power-on-reset circuit does not reset said logic memory but commands a switch to electrically insulate said logic memory and said loaded capacitor, and wherein (as claimed in claim 14 and dependent on claim 13), at input, said logic memory can receive a control signal provided by said logic circuit to initialize said logic memory selectively.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Barink (U.S. Patent Application Publication No. 2003/0141962) teaches an RFID system using a plurality of antennae to locate multiple transponders on shelves.

Sacksteder (U.S. Patent No. 7,019,645) teaches a method for managing receiver means of a transponder adapted to communicate at relatively long distance.

7. Any response to this office action should be faxed to (571) 273-8300 or mailed to:

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450



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Hand – delivered responses should be brought to:

Customer Service Window  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Lambert whose telephone number is (571) 270-3521. The examiner can normally be reached on Monday - Thursday 8:00AM - 5:00PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Benny Tieu can be reached on (571) 272-7490. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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John Lambert

Examiner Art Unit 2609

September 10, 2007

A handwritten signature in cursive script, appearing to read "Benny Q. Tieu".

BENNY Q. TIEU

SPE/TRAINER